

FURTHER REMARKS

As may apply to the present claims, the rejection of claims 10 and 11 under 35 USC 103(a) over Peterson, US 2759217, in view of Susa et al., US 5760122, is respectfully traversed. The proposed artificial combination does not teach nor suggest the claimed invention to a person having ordinary skill in the pertinent art of paint film sheet technology under the meaning of Sec. 103(a).

Petersen discloses a stretching and forming apparatus, which relates to stretching and forming sheet material to modify its properties. It is admitted in Paper No. 110304 that Peterson does not show stretching a paint film, nor does it relate to nor disclose stretching of laminate paint film sheet stock.

Susa et al. discloses a matte paint film, and a matte paint composition. It shows standard, well known forming of laminate paint film sheet stock into molded parts such as by vacuum forming. There is no disclosure of stretching a laminate paint film sheet stock in a two dimensional direction to provide a drawn or stretched, two dimensionally extended, laminate paint film sheet stock into a wider laminate paint film sheet stock, which can be a precursor for or formed into a finished wide three dimensional part. There is described no "stretching operation" as referred to in Paper No. 110304. Rather, the operation that is described by Susa et al. is a standard molding operation, and the "stretching" is referred to as an undesirable adjunct, noting that it occurs only on certain portions of the molded product and causes reduction in value of the product.

The present claimed invention, on the other hand, relates to formation of valuable wide sheet paint film part precursors and parts made from laminate paint film sheet stock, i.e., precursors and parts that can be wider than original, commercially available laminate paint film stock sheets. Neither Peterson nor Susa et al. relates to nor discloses formation of such wide paint film sheet precursors by drawing or stretching, nor parts therefrom.

The references are not combinable since they are in different technical fields, one stretching and forming plastics such as for aircraft windshields to modify their properties, the other patent for providing a matte finish paint film for standard molding; and neither is concerned with the problems confronted and solved by the present inventors, formation of wide paint film products that can be wider than the starting paint film sheet stock. See, e.g., In re Oetiker, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Moreover, even for the sake of argument if they could be properly combined, their combined teachings would not lead the ordinary artisan, who does not seek to innovate, to the present claimed invention. Rather, they lead away, for when paint film stock is made of concern, as in Susa et al., standard molding is employed, and any problems with inferior finishes are addressed not by stretching, which is noted as being undesirable at column

1, lines 28-29, but by modifying the paint film composition and using it, again, in a standard molding method. No sheet stock stretching to form a drawn or stretched two dimensional precursor is contemplated nor disclosed by the prior art.

The inventors have discovered that standard paint film sheet stock can be used with benefit, retaining the paint film finish, in the present claimed methods.

In reference to claim 11, Peterson does not show the process claimed in present (nor former) claim 10 as stated on page 4, lines 16-17, of Paper No. 110304, and Paper No. 110304 correctly admits this, as referred to above, on page 4, line 9. Note that the claim at issue requires processing of paint film sheet stock.

The only art that discloses and claims stretching a paint film sheet stock to a wider state is the present specification. To read this fundamental improvement into the prior art is a grave error indeed, as it is clearly unknown in the prior art.

Obviousness cannot be predicated on that which is unknown.

As may apply to the present claims, the rejection of claim 12 under Sec. 103(a) over Peterson and Susa et al., further in view of Ghosh, US 6487902, is respectfully traversed. The proposed artificial combination does not teach nor suggest the claimed invention to a person having ordinary skill in the pertinent art of paint film technology under the meaning of Sec. 103(a).

Peterson and Susa et al. are discussed above.

Ghosh discloses an apparatus and method for biaxial tensile testing of membrane materials. Only polyester spunbond material was tested, and fabric such as nonwoven and geo textiles and membrane materials such as films, reinforced and polymeric films, soft composites, coated laminates are contemplated to be tested by Ghosh. The polyester spunbond material was stretched 28%. Nothing is manufactured by Ghosh; instead, test materials are contemplated for destruction (failure). No parts-formable sheet stock such as paint film sheet stock is mentioned by Ghosh.

The paint film sheet stock employed in the present method is not a fabric, nor is it a membrane material, nor, in particular, is it a spunbond polyester material, as disclosed by Ghosh. It is a parts-formable, laminated paint film stock sheet.

Moreover, the present method is not a test method. It is a manufacturing method.

Such differences are fundamental and irreconcilable with respect to establishment of a prima facie case of obviousness.

The base combination of Petersen and Susa et al., as noted above, does not teach nor suggest the base claim to the ordinary artisan under the meaning of Sec. 103(a). Nothing is added, by

Ghosh, to Peterson and Susa et al. to remedy their deficiencies in this regard. Thus, base claim 10 distinguishes over the proposed combination, and, by virtue of its dependence on claim 10, claim 12 also distinguishes over the proposed combination.

Moreover, claim 12 requires an at least 125% stretching. Nothing in the prior art teaches this for a paint film sheet stock. Nothing in the prior art suggests it.

The references are not combinable since they are in different technical fields, one stretching and forming plastics such as for aircraft windshields to modify their properties, another a matte finish paint film for standard molding, and a third testing of textiles and membranes; and none is concerned with the problems confronted and solved by the present inventors, formation of wide paint film products that can be wider than the starting paint film sheet stock. See, Oetiker, 24 USPQ2d at 1445.

Moreover, even for the sake of argument if they could be properly combined, their combined teachings would not lead the ordinary artisan, who does not seek to innovate, to the present claimed invention. Rather, the teachings of the three applied references are so diverse that no direction whatsoever is given to the ordinary artisan, not even general guidance. Even general guidance, however, is insufficient to establish obviousness. See, In re Roemer, 59 USPQ2d 1527, 1531 (Fed. Cir. 2001).

Peterson does not show the process claimed in present (nor former) claim 12 as stated on page 4, lines 16-17, of Paper No. 110304, and Paper No. 110304 correctly admits this, as referenced above. The claim at issue relates to paint film sheet stock.

The reasoning of Paper No. 110304 is in serious error.

The innovations claimed hereby advance the art in kind.

Please, therefore, withdraw these rejections.

New claims 20-31 require methods that are dependent on base claim 10. Clearly nothing in the prior art of record describes the limitations of this base claim, and, by virtue of their dependence on it, none of claims 20-31 is anticipated by such art. Moreover, each of these new method claims adds significant limitations to the base claim, not in the art. New claims 32-35 require articles of manufacture comprising a drawn or stretched paint film stock part precursor or a formed wide paint film stock part, wherein said precursor is substantially two dimensional, and said part is substantially three dimensional; wherein each of said precursor and said part, respectively, is made to include a method for forming wide paint film parts, which includes:

- providing apparatus for forming wide paint film parts, having a frame; and, attached to the frame, at least two paint film stock grasping members, which generally oppose one another, which can grasp deformable paint film stock, at least one of which

can be moved apart from the other while the stock is grasped;
providing deformable paint film stock, which is:
 in a form of a discrete, substantially planar sheet,
 made of a laminate material including a deformable base having a paint film laminated thereon that provides a painted surface finish, and
 able to be itself formed into a part through vacuum or pressure molding;
grasping the stock sheet on generally opposing sides by at least two paint film stock grasping members; and
moving, while the stock is so grasped, the at least one of the at least two paint film stock grasping members apart from the other so as to draw or stretch the stock between the at least two paint film stock grasping members in the plane of the sheet so as to form a planarly drawn or stretched planar laminate paint film sheet that retains a painted surface finish; and
wherein each of said precursor and said part retains the painted surface finish over substantially if not completely all of its visible finished surface. New claim 33 requires said precursor, new claim 34, said part. New claim 35 requires said part that is a tonneau cover for a pickup truck. No art of record, not even Wheatley et al., US 4639033, cited in the search report for the corresponding PCT application, anticipates any claim, especially any of new claims 32-35. Wheatley et al. has nothing to do with and makes no disclosures concerning paint film technology; rather that patent concerns improvements in a standard flexible vinyl fabric tonneau cover.

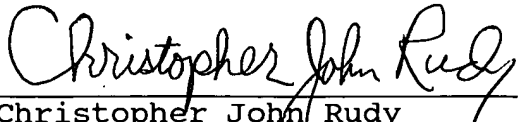
The undersigned hereby certifies that no item of information cited on the accompanying Form PTO-1449, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three months prior to filing of the present papers.

Thus, the present application is in condition for allowance. Yet, the Examiner is invited to call the undersigned to discuss the case, or to seek authorization for an Examiner's amendment.

A Notice of Allowance is solicited.

Respectfully,

Dated: January 26, 2005 A.D.


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